



U. S. Fish and Wildlife Service

Fact Sheet on Proposed MMPA Regulations and Finding for the Florida Manatee

Background

Manatees are a federally protected species under both the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA). Boat-related mortality in manatees is the greatest human-caused threat to the species. Historically, operation of power boats is responsible for about 25 percent of all manatee deaths and about 80 percent of all human-caused mortality in manatees. Successful recovery of the manatee is dependent on controlling and reducing this source of injury and mortality. In January 2000, Save the Manatee Club and several other groups and individuals filed a lawsuit against the U.S. Fish and Wildlife Service and the Corps of Engineers alleging violations of the ESA, MMPA, National Environmental Policy Act, and Administrative Procedure Act. A settlement agreement was reached and ratified by the U.S. District Court in January 2001. Among the tasks to be accomplished is development of MMPA Incidental Take Regulations to address incidental take of manatees.

Issue

Although the ESA authorizes the “take” of listed species with a permit, the MMPA specifically contains a moratorium on the taking of marine mammals with certain exceptions. The development of Incidental Take Regulations is one of those authorized exceptions.

The Service believes these proposed regulations can address incidental take of manatees resulting from government activities related to watercraft and watercraft access facilities including: (1) regulating boater behavior on the water (e.g., speed zones); (2) permitting construction of watercraft access facilities (marinas, docks, boat ramps); (3) funding construction of watercraft access facilities; (4) operating watercraft access facilities; and (5) operating watercraft or other activities.

In the absence of these Incidental Take Regulations, any take associated with the previously listed government activities is not authorized.

Status

For its proposed rule, the Service defined the specified geographic area to be the manatees’ range within the State of Florida. Long-term studies suggest four regional populations of manatees in Florida: Northwest, Upper St. Johns River (from Palatka south), Atlantic (including the St. Johns River north of Palatka), and Southwest. The Service has concluded that these regions meet the criteria for classification as separate stocks under the MMPA and will reflect this determination in the next revision of the Stock Assessment Report for the West Indian Manatee.

The Service is proposing a finding that the total expected takings of Florida manatee during local, State, and Federal government activities related to the operation of watercraft and watercraft access facilities would have a negligible impact on this species for the Upper St. Johns River and Northwest regions and a negligible impact with the implementation of mitigating measures for the Atlantic region.

For the Southwest region, the Service proposal notes that these activities would have more than a negligible impact on the species and, therefore, it is not proposing to authorize incidental take for this stock: a negative finding under the MMPA.

The Service is seeking written comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. Specifically, they are seeking: information regarding manatee population studies/data, particularly for the Southwest Stock; information regarding mitigating measures, including technological measures, that would result in the least practicable impact on manatees and their habitat;

information regarding the effectiveness of mitigating measures currently in place; information regarding the potential social and economic effects of the proposed regulations; information regarding means of minimizing potential social and economic effects of the negative finding for the Southwest Stock; suggested means and measures to report and monitor the effects of incidental take on manatees; and nominations for participants to serve on the Working Group on Watercraft-related Incidental Take.

All comments must be received within 60-days of the Proposed Rule's publication in the Federal Register.

Comments may be mailed, hand delivered, faxed, or submitted electronically. Please mail or deliver comments to: U. S. Fish and Wildlife Service, North Florida Field Office, 6620 Southpoint Drive, Suite 310, Jacksonville, FL 32216-0958. Comments may also be faxed to 904-232-2404. Send electronic comments to: manatee@fws.gov. Please include your name and return mailing address in your mail, fax or e-mail and indicate "MMPA Rule" or "Draft EIS" in the subject line depending on which document you are submitting commenting on.

The Service has also scheduled six public hearings at the following locations: Monday, December 2, 2002 at the Harborside Convention Hall, 1375 Monroe St., Ft. Myers; Tuesday, December 3, 2002 at the Holiday Inn & Conference Center, 4732 N Dale Mabry Hwy, Tampa; Wednesday, December 4, 2002 at the Radisson Hotel & Conference Center, 3101 N. Highway A1A, Melbourne; Thursday, December 5, 2002 at the Daytona Beach Resort & Conference Center, 2700 N. Atlantic Ave., Daytona Beach; Monday, December 9 at the Holiday Inn, 201 N. 1st St., Palatka; and Tuesday, December 10, 2002 at the Doubletree University Florida Hotel & Conference Center, 1714 SW 34th St., Gainesville.

All hearings will run from 6 p.m. to 9 p.m. Request for additional hearings must be received within 30-days of the proposed regulations' publication date.

Questions?

A copy of the proposed regulations and finding, as well as the Draft EIS, fact sheets and Frequently Asked Questions may be obtained from the address below or requested by telephone at 904/232-2580, by fax at 904/232-2404, by e-mail at manatee@fws.gov, and via the Internet at <http://northflorida.fws.gov>. If you have specific questions or need special assistance, please contact the USFWS Jacksonville Field Office at 904-232-2580 ext.109.

Updated: November 6, 2002